

# DECLARATION FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. NWISP049

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **HISTOGRAM PERFORMANCE COUNTERS FOR USE IN TRANSACTION LATENCY ANALYSIS**, the specification of which,

(check one)

1.  is attached hereto.
2.  was filed on \_\_\_\_\_ as  
U.S. Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.
3.  was filed on \_\_\_\_\_ as  
International PCT Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, CFR §1.56.

## Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

			Priority Benefits Claimed?
(Appl. No.)	(Country)	(Date Filed- Day/Month/Year)	<u>Yes</u> <u>No</u>
(Appl. No.)	(Country)	(Date Filed- Day/Month/Year)	<u>Yes</u> <u>No</u>

## Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

(Application No.)	(Filing Date)
(Application No.)	(Filing Date)

## Prior U.S. Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

Send Correspondence To:

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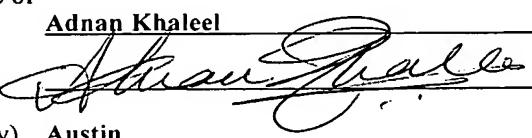
Joseph M .Villeneuve at telephone number (510) 843-6200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of

Sole or First Inventor: Adnan Khaleel

Citizenship: India

Inventor's signature: 

Date of Signature: Feb 5th 2004

Residence: (City) Austin

(State/Country) Texas/U.S.

Post Office Address: 10430 Morado Circle, Apt. 2111, Austin, Texas 78759

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Khaleel

Attorney Docket No.: NWISP049

Application No.: Not yet assigned

Examiner: Not yet assigned

Filed: Herewith

Group: Not yet assigned

Title: HISTOGRAM PERFORMANCE  
COUNTERS FOR USE IN TRANSACTION  
LATENCY ANALYSIS

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on 2/9/04 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EV332826569US, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Jeffrey Ng**POWER OF ATTORNEY BY ASSIGNEE, 37 CFR §3.73 STATEMENT, AND EXCLUSION OF INVENTOR UNDER 37 CFR §3.71**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Newisys, Inc. is the assignee of the above-referenced patent application by virtue of an assignment document. The assignment document is/was recorded:

- at Reel \_\_\_, Frame(s) \_\_\_  
 on \_\_\_\_\_  
 submitted concurrently herewith

The assignee represents, pursuant to 37 C.F.R. §3.73(b), that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

Pursuant to 37 C.F.R. §§1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and hereby appoints the law firm of Beyer Weaver & Thomas, LLP and all practitioners who are associated with the Customer Number 022434 as principal attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Please send all correspondence for this application as follows:

Customer Number  
**022434**  
BEYER WEAVER & THOMAS, LLP  
P.O. Box 778  
Berkeley, CA 94704-0778



Please direct any calls to **Joseph M. Villeneuve** (510) 843-6200.

Further, pursuant to 37 C.F.R. §3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Assignee of Interest:

Newisys, Inc.  
10814 Jollyville Road  
Bldg. 4, Suite 300  
Austin, Texas 78759-5659

Date 2/5/04

Name: Terry Cloudman Phil Hester  
Title: Vice President of Finance CEO

Handwritten signatures of Terry Cloudman, Phil Hester, and the Vice President of Finance over the typed names.